

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 91-286-E - ORDER NO. 91-475 ✓  
MAY 31, 1991

IN RE: Broad River Electric Cooperative, Inc.,	)	
	)	
Petitioner,	)	ORDER DENYING
	)	PRELIMINARY
vs.	)	CEASE AND
	)	DESIST ORDER
	)	
Board of Public Works, for the City	)	
of Gaffney,	)	
	)	
Respondent.	)	
<hr/>		

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Petition for Issuance of a Preliminary Cease and Desist Order and for Permanent Order filed on behalf of Broad River Electric Cooperative, Inc. (Broad River) seeking certain relief against the Board of Public Works, for the City of Gaffney (Gaffney).

According to the Petition of Broad River, Gaffney has committed to extend a transmission line from its present terminals along S-105 to serve an office of the South Carolina Employment Security Commission. The Petition purports that all of the proposed extensions are outside of the corporate limits of the City of Gaffney and that the line from which the extension is planned is also outside the corporate limits of Gaffney and in an

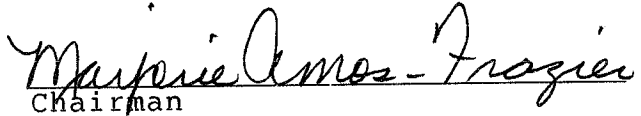
area designated as unassigned by the Commission. The Petition alleges Gaffney plans to extend its service into territory which is already being provided similar service without seeking a Certificate of Public Convenience and Necessity as required by S.C. Code Ann., §58-27-1230 (1976) and as defined in Duke Power Company v. The South Carolina Public Service Commission, 300 S.C. 228, 387 S.E.2d 241 (1989). That absent the issuance of a Cease and Desist Order, Broad River contends that Gaffney's extension to serve this customer will affect Broad River's right to serve the same customer. The requested Order will, according to Broad River, protect the public's interest by preventing unnecessary expenditures by Gaffney for the construction and removal of facilities built without a Certificate of Public Convenience and Necessity. Broad River requests that in the event Gaffney has completed all or any portion of this extension that all work be ordered stopped, that the work be dismantled, that any further work be enjoined, and that no electric service be rendered from such extension.

The Commission has considered the Petition filed on behalf of Broad River and the allegations contained therein. The Commission finds that it is necessary for a response to be received from the City of Gaffney before the Commission would take such drastic action against Gaffney. The Commission has served this Petition on the City of Gaffney and will wait for its response before taking any action in this matter. However, if the Commission determines that a Certificate of Public Convenience and Necessity

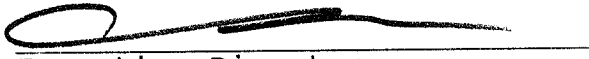
is required, the Commission will make the proper determination on the certificate. In such event, if the Commission determines that the City of Gaffney is improperly serving this customer or that the certificate should be denied, then Gaffney could be ordered to remove the line in question and to dismantle any facilities that it has built. Gaffney is hereby put on notice that it is proceeding at its own risk until the Commission finally adjudicates this matter on the merits.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director  
(SEAL)